

Attorney's Docket No.: 07844-517001 / P479

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Craig D. Rublee

Art Unit : 2672

Serial No. : 10/071,660

Examiner : Ryan R. Yang

Filed : February 8, 2002

Title : COMPOSITING GRAPHICAL OBJECTS

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REMARKS IN RESPONSE TO ACTION OF JUNE 28, 2005

Claims 1-26 are currently pending, of which claims 1, 13, 14 and 26 are independent. Reconsideration of the action mailed June 28, 2005, is requested in light of the following remarks.

The Examiner rejected claims 1-4, 7-17 and 20-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,630,037 to Schindler ("Schindler") in view of U.S. Patent No. 6,587,583 to Kurzweil et al. ("Kurzweil"). Applicant traverses the rejections.

Claim 1 stands rejected as unpatentable over Schindler in view of Kurzweil. The Examiner states that Schindler discloses selecting a sample set of pixels to sample from the target area, the sample set of pixels including less than the number of pixels in the target area, and identifying the attribute value for each of a plurality of the pixels in the selected set. Applicant respectfully disagrees. Schindler discloses that "[a] sample of the background screen is captures and analyzed" Abstract. Every single pixel in the sample region is analyzed. "The pixels of the screen sample region 41 are analyzed serially, and the data from *each* pixel is used to increment the appropriate bin of the appropriate histogram." Col. 5, lines 58-61, and Fig. 3a (emphasis added). Schindler merely discloses the well-established use of standard statistical

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methods, such as histograms, to analyze the pixels. Schindler does not disclose any sort of method to sample a subset of pixels within the sample area, such as the use of a sample set of pixels including less than the number of pixels in the target area. Therefore, Applicant respectfully submits that claim 1, as well as claims 2-12, which depend from claim 1, are in condition for allowance.

The Examiner also states that Schindler discloses predicting an attribute value for the target area based on the plurality of identified attribute values. Applicant respectfully disagrees. Schindler discloses that "[t]reating the fringes may comprise using the second control image to determine where fringe pixels are located, leaking localized background color into the fringe pixels, and creating a binary image to record which pixels have been treated and to otherwise facilitate processing" Col. 2, lines 45-49. However, Schindler does not disclose any sort of predicting technique for such an attribute value for the target area. In Schindler, fringe pixels are identified, and the localized background color is calculated for each individual fringe pixel based on the pixels surrounding the individual pixel. See col. 11, lines 19-43. Applicant respectfully submits that Schindler does not disclose the prediction of an attribute value for the entire fringe region. Instead, Schindler merely discloses the analysis and a calculation of a localized background color for each individual pixel within the fringe region. In Schindler, the localized background color for a particular fringe pixel is not a predicted color based on a sampling of the local area, but instead is a prediction based on all of the pixels in the local area. "[T]he average color of all the marked pixels within the perimeter of a 5x5 kernel is calculated. . . ." Col. 11, lines 23-24. For at least these additional reasons, Applicant respectfully submits that claim 1, as well as claims 2-12, which depend from claim 1, are in condition for allowance.

The Examiner also states that although Schindler does not specifically disclose the utilizing of a sample set of pixels within the target area, but that this limitation is shown in the teaching of Kurzweil. Applicant respectfully disagrees. Preliminarily, Applicant points out that utilizing a sample set of pixels within the target area is not a feature recited in claim 1. Rather, claim 1 recites the features of selecting a sample set of pixels to sample from the target area, the sample set of pixels including less than the number of pixels in the target area, and identifying

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the attribute value of a first attribute for each of a plurality of the pixels in the sample set to identify a plurality of attribute values.

Kurzweil discloses "retriev[ing] background color information associating a background color with each one of a plurality of samples of pixels representing the document." Col. 2, lines 22-24; *see also* col. 26, lines 4-17. Kurzweil also discloses "retriev[ing] a plurality of samples of groups of pixels from the low resolution image representation of a document." Col. 23, lines 22-37, *see also* col. 22, lines 39-53 (substituting the word "blocks" for the word "groups").

Kurzweil does not disclose any sort of method to sample a subset of pixels within the sample area, such as the use of a sample set of pixels including less than the number of pixels in the target area. If the group of pixels disclosed in Kurzweil is considered to be a sample set of pixels, Kurzweil fails to teach that only a single sample set of pixels is required; rather, Kurzweil teaches that a plurality of samples of groups of pixels is required. Further, Kurzweil fails to teach that this plurality of samples of groups of pixels comes from a target area in the image; rather, Kurzweil teaches that the samples of groups of pixels are taken from the entire image. Alternatively, if the group of pixels disclosed in Kurzweil is considered to be a target area in the image, Kurzweil fails to teach selecting a sample set of pixels to sample from the target area; rather, Kurzweil discloses analyzing all of the pixels in the group of pixels.

Claim 14 stands rejected as unpatentable over Schindler in view of Kurzweil. Claim 14 has limitations corresponding to those of claim 1. Therefore, for at least the same reasons set forth above with respect to claim 1, claim 14 is in condition for allowance. Further, as claims 15-25 depend from claim 14, claims 15-25 are also in condition for allowance.

Claim 13 stands rejected as unpatentable over Schindler in view of Kurzweil. In part, claim 13 is directed towards predicting a color of the background area based on the identified color. Claim 13 is further directed towards selecting a rendering function from a plurality of rendering functions based on the predicted color of the background area. Everything argued on claim 1 applies to claim 13. Color is an attribute, and selecting a rendering function from a plurality of rendering functions based on the predicted color of the background area is rendering based on the attribute value.

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The Examiner states in reference to claim 13 that Schindler discloses selecting a rendering function from a plurality of rendering functions. However, the Examiner fails to identify any part of Schindler that discloses a rendering function, contrary to the requirements of 35 U.S.C. § 132 and 37 C.F.R. § 1.104(c)(2) ("When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable.").

Applicant respectfully notes that this issue was raised in the remarks filed on April 13, 2005, in response to the previous office action mailed January 10, 2005, but that the Examiner has failed to more specifically identify any part of Schindler that discloses a rendering function. "Where the Applicant traverses any rejection, the Examiner should, if he or she repeats the rejection, take note of the Applicant's argument and answer the substance of it." MPEP § 707.07(f).

Schindler does not disclose selecting a rendering function from a plurality of rendering functions. Schindler only discloses a single function for leaking localized background color that is applied to pixels in the fringe region. Schindler discloses that "[a] treated subject image is generated by leaking color from the local background region into the fringe regions of the subject image using filter kernels. The treated image is suitable for compositing against an arbitrary background image." Abstract; *see also* col. 2, lines 25-52, and col. 11, lines 19-43. At no point does Schindler disclose the use of more than one rendering function. Rather, Schindler merely discloses the use of a single rendering function on pixels within a fringe region, after subdividing the original image into background, foreground, and fringe regions. Abstract. Schindler does not disclose selecting a rendering function from among a plurality of rendering functions.

Similarly, Kurzweil only discloses the use of a rendering function in connection to the generation of an optical character recognition (OCR) mask. Col. 12, lines 33-37 ("The OCR mask . . . is produced using standard rendering algorithms"). At no point does Kurzweil disclose selecting a rendering function from a plurality of rendering functions based on the predicted

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color of the background area. Therefore, Applicant respectfully submits that claim 13 is in condition for allowance.

Claim 26 stands rejected as unpatentable over Schindler in view of Kurzweil. Claim 26 has limitations corresponding to those of claim 13. Therefore, for at least the same reasons set forth above with respect to claim 13, claim 26 is in condition for allowance.

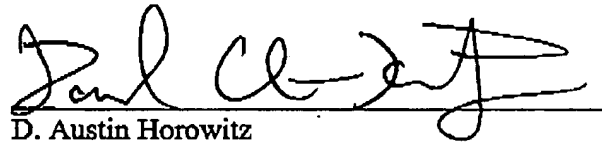
Applicant respectfully requests that all pending claims be allowed.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

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Respectfully submitted,

Date: 28 SEP 2005



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